United Nations E/2004/89

Economic and Social Council

Distr.: General
30 June 2004

Original: English

Substantive session of 2004
New York, 28 June-23 July 2004
Agenda item 14 (g)
Social and human rights questions: human rights

Report of the United Nations High Commissioner for Human Rights*

Summary

This report, submitted by the Acting United Nations High Commissioner for Human Rights, Bertrand G. Ramcharan, provides information on human rights activities of the United Nations system in economic and social areas that are likely to be of particular interest to the Economic and Social Council. The report is divided into two sections. The first section reports on the initiatives being taken by the United Nations system with regard to assisting Member States in building their national systems of promotion and protection of human rights. The second section reports on what United Nations bodies and programmes and specialized agencies are already doing with regard to human rights, with a particular focus on the economic and social fields. The report suggests the Council might wish to review periodically the progress achieved in integrating human rights as an essential part of the work of United Nations bodies and programmes.

* To allow time for consultation, the report has been submitted after the deadline established by the Documents Management Section.

04-41317 (E) 160704

Contents

		Paragraphs	Page
I.	Introduction	1–5	3
II.	Support to strengthen capacity at the country level	6–17	4
	A. Guidelines on national protection systems	7–14	4
	B. Inter-agency Cooperation	15–17	6
III.	Efforts of United Nations bodies and programmes and the specialized agencies to integrate human rights into their activities	18–71	7
	A. Department of Economic and Social Affairs of the Secretariat	18–21	7
	B. United Nations Conference on Trade and Development	22–23	8
	C. United Nations Development Programme	24–27	8
	D. United Nations Children's Fund	28–32	9
	E. United Nations Population Fund	33–37	10
	F. United Nations Environment Programme	38	11
	G. United Nations Human Settlements Programme (UN-Habitat)	39–40	12
	H. Joint United Nations Programme on HIV/AIDS (UNAIDS)	41–46	13
	I. The Global Compact Office	47–48	13
	J. International Labour Organization	49–55	14
	K. Food and Agriculture Organization of the United Nations	56–60	15
	L. United Nations Educational, Scientific and Cultural Organization	61–67	16
	M. World Health Organization	68–71	17
IV.	Conclusions and recommendations	72–75	18

I. Introduction

1. Article 55 of the Charter of the United Nations states that the Organization shall, "with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples", "promote ... universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion". Article 62.2 of the Charter also states that the Economic and Social Council may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

2. The Council is responsible for implementing the aims of the Organization under Article 55, and it coordinates the work of the 14 United Nations specialized agencies, 10 functional commissions and five regional commissions, as well as receiving reports from 11 United Nations funds and programmes and issuing policy recommendations to the United Nations system and to Member States. The Council can promote respect for human rights throughout its different areas of responsibility, including its coordination function. In accordance with the Charter of the United Nations, human rights should be integrated throughout the United Nations system. Promoting respect for human rights through all United Nations activities will best ensure the elimination of discrimination and the protection of all human rights for all individuals and peoples worldwide. As a set of internationally recognized norms, United Nations human rights standards protect the values underpinning sustainable development, placing the individual at the centre of human activity.

3. The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 reaffirmed that "the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation" (Part I, para. 4) and that "there is a need for States and international organizations, in cooperation with non-governmental organizations, to create favourable conditions at the national, regional and international levels to ensure the full and effective enjoyment of human rights" (Part I, para. 13). In addition, the World Conference recommended "increased coordination in support of human rights and fundamental freedoms within the United Nations system" (Part II, sect. A, para. 1).

4. Significant progress has been achieved in that regard after the examination of the implementation of the Vienna Declaration and Programme of Action at the coordination segment of the substantive session of the Economic and Social Council of 1998; updated information was provided to the Council the following year to allow it to reflect on its role in that regard. The present report seeks to provide further update to the Council, noting that in 2000, Member States rededicated themselves, in the Millennium Declaration, to "respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion and international cooperation in solving international problems of an economic, social, cultural or humanitarian character" (sect. I, para. 4). They promised to "spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development" (sect. V, para. 24) and resolved, inter alia, "[t]o strengthen the capacity of all our countries to implement

the principles and practices of democracy and respect for human rights" (sect. V, para. 25).

5. The role of the United Nations High Commissioner for Human Rights is to help promote and protect all human rights, economic, social and cultural, and civil and political. The Office of the United Nations High Commissioner for Human Rights (OHCHR) does this in part by seeking to contribute to the efforts of the principal organs of the United Nations. This report, submitted by the Acting High Commissioner for Human Rights, Bertrand G. Ramcharan, provides information on human rights activities of the United Nations system in economic and social areas that are likely to be of particular interest to the Council. Given that focus, the report does not include the human rights activities of organizations working in the humanitarian field. The report is divided into two sections. The first section reports on the initiatives being taken by the United Nations system with regard to the recommendation of the Secretary-General's reform programme related to assisting Member States in building their national systems of promotion and protection of human rights. The second section reports on what United Nations bodies and programmes and specialized agencies are already doing with regard to human rights, with a particular focus on the economic and social fields.

II. Support to strengthen capacity at the country level

6. In paragraphs 25 and 26 of the Millennium Declaration, Member States resolved to strengthen their capacity at the country level to implement the principles and practices of human rights, including minority rights, the rights of women, the rights of children and the rights of migrants. In his report entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1), the Secretary-General noted that building strong human rights institutions at the country level is what in the long run would ensure that human rights are protected and advanced in a sustained manner. In accordance with General Assembly resolution 57/300, concerted efforts are under way to provide an integrated and consistent response to Member States that request support in strengthening their national human rights promotion and protection systems. This part of the report focuses on progress in two related areas, namely: (a) the development of guidelines on national protection systems, based on information from Member States; and (b) implementation of the Secretary-General's second United Nations reform plan.

A. Guidelines on national protection systems

7. The objective of a national system for the promotion and protection of human rights is to ensure sustainable respect for these rights. The High Commissioner, in his annual report to the Commission on Human Rights in 2003, proposed to issue "a short guideline on the concept of a national protection system and to invite every Government to make a brief submission of no more than three pages on the elements of its national protection system" (E/CN.4/2003/14, para. 16).

8. The High Commissioner informed the Commission that the national presentations would be compiled and submitted to an expert group consisting of a representative of each of the then six main human rights treaty bodies which he would ask to study the presentations and make a general analysis together with

recommendations. The ultimate aim of the exercise would be to identify areas in which, at the request of the Government concerned, the international community could assist in strengthening the national protection system, in whole or in part. Furthermore, the programme of technical cooperation for human rights, based on inter-agency contributions, would be drawn upon to be of practical assistance (para. 16).

9. The presentations and the analysis of the experts would be published in a consolidated volume and the exercise would be repeated every three years. In this way, there would be a global presentation of efforts for the protection of human rights at the national level focusing on constructive cooperation, thereby contributing to confidence-building in the human rights area.

10. A synthesis of replies by 31 Member States in response to the questionnaire sent by OHCHR in response to the High Commissioner's initiative is contained in the report of the Acting High Commissioner to the Commission at its sixtieth session (E/CN.4/2004/12/Add.3).

11. Generally, a national protection system consists of legislation, institutions, procedures and actors designed to ensure that human rights are respected, protected and fulfilled. As the responses suggest, such systems may vary from country to country and different components may exist in different situations. However, a number of essential elements can be identified, including:

(a) A constitutional and/or legislative human rights framework that reflects international human rights standards;

(b) Effective institutions to promote and protect human rights, including parliaments, representative government at central and local levels, the administration of justice (a fully functioning judiciary, law enforcement, penitentiaries, courts, etc.) and an independent human rights body, such as a national human rights institution and/or ombudsperson;

(c) Procedures ensuring effective implementation of human rights, including avenues of redress for individuals who are holders of human rights, and an open, democratic and participatory decision-making process for the formulation of national development programmes and policies based on human rights principles;

(d) Programmes and policies for awareness-raising in relation to human rights such as human rights education and human rights training among public officials and the general public, including children and students;

(e) The existence of a vibrant democratic civil society (including a free and active independent media).

12. It is strongly hoped that more Member States will reply to the questionnaire so as to further enrich the concept and analysis of national protection systems. It is proposed that the OHCHR convene the expert group mentioned above, which would consist of one expert from each of the human rights treaty bodies, to analyse further the replies received and offer general recommendations on strengthening national protection systems.

13. In parallel, the concept of national protection systems is being discussed at the annual meeting of the special procedures of the Commission as well as at the meeting of the Board of Trustees of the Voluntary Fund for Technical Cooperation in the field of Human Rights. Furthermore, as highlighted in the sections below,

cooperation will be intensified with United Nations partners on the provision of support to Member States, at their request, for the strengthening of national human rights protection systems.

14. The consideration of national protection systems is closely related to the work of the treaty bodies in monitoring the implementation of the international human rights treaties at the national level. It underpins recent efforts by the treaty bodies to ensure more effective follow-up to their concluding observations, and is reflected in the guidelines on an expanded core document for reporting to all treaty bodies, which was discussed at the third inter-committee meeting and sixteenth meeting of chairpersons of human rights treaty bodies in June 2004.

B. Inter-agency cooperation

15. Pursuant to the request of the Secretary-General to "develop and implement a plan, in cooperation with the United Nations Development Group and the Executive Committee on Humanitarian Affairs to strengthen human rights-related United Nations actions at the country level" (A/57/387, chap. II, sect. B, action 2), OHCHR, in cooperation with the United Nations Development Group and the Executive Committee on Humanitarian Affairs, prepared and adopted a plan of action entitled "Strengthening human rights-related United Nations action at country level: national human rights promotion and protection systems". The main goal of the plan is to develop the capacity of the United Nations to support the efforts of interested Member States, at their request in establishing and strengthening national human rights promotion and protection systems consistent with international human rights norms and principles.

16. Towards this end, the plan seeks to ensure that human rights will be integrated into the United Nations joint analysis and programmes of the national development and humanitarian situations, namely the common country assessment, the United Nations Development Assistance Framework, the Consolidated Appeal Process and the Common Humanitarian Action Plan. It recognizes the importance of strengthening the linkages between human rights, human development and humanitarian action through training and other activities and to enhance the quality and coherence of United Nations support to national human rights promotion and protection systems through the delivery of United Nations joint programmes.

17. The United Nations country teams have been playing an important role in supporting national systems for the promotion and protection of human rights, and in contributing to the work of the United Nations human rights mechanisms in the reporting and follow-up processes. The outcomes of the second Inter-Agency Workshop in May 2003 advanced the United Nations system's understanding of the implications of human rights-based approaches to development. During 2003, United Nations country teams and Government counterparts made noticeable efforts to integrate human rights dimensions in their analysis of development challenges and programming processes. In 2004, OHCHR is undertaking a review of rights-based common country assessments and United Nations Development Assistance Frameworks with a view to identifying trends, good practices and lessons learned. OHCHR has developed training modules to enhance the human rights knowledge of United Nations country teams. The modules were piloted in five countries in 2003, in cooperation with the United Nations System Staff College.

III. Efforts of United Nations bodies and programmes and the specialized agencies to integrate human rights into their activities

A. Department of Economic and Social Affairs of the Secretariat

18. The Department of Economic and Social Affairs plays an important role in the promotion and protection of human rights. It is mandated to work on three areas related to human rights.

19. First, its Division for the Advancement of Women supports the realization of women's human rights as the substantive secretariat of the Commission on the Status of Women, which drafted the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol. The Commission regularly examines women's enjoyment of their human rights, especially in the follow-up to and implementation of the Platform for Action adopted by the Fourth World Conference on Women in 1995. The Division also services the Committee on the Elimination of Discrimination against Women, the treaty body set up under the Convention, and implements a technical cooperation programme aimed at capacity-building for States parties, in cooperation with regional commissions or other bodies of the United Nations system whenever possible. Collaboration between the Division and OHCHR is facilitated by an annual joint work plan which is submitted to the Commission on the Status of Women and the Commission on Human Rights. Under the joint work plan, the two offices implement a range of activities in support of the human rights of women and the mainstreaming of gender perspectives in all human rights activities. Special emphasis is placed on ensuring that the work of the Committee is fully taken into account by other human rights mechanisms, especially human rights treaty bodies.

20. Second, the Division of Social Policy and Development acts as the substantive secretariat of the Ad Hoc Committee established by the General Assembly to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities. The Division works in close cooperation with OHCHR in providing support to the work of the Ad Hoc Committee. It also provides assistance and support to the Special Rapporteur on disability of the Commission on Social Development, whose task is to monitor the implementation of the United Nations Standard Rules for the Equalization of Opportunities of Persons with Disabilities and to advance the status of people with disabilities throughout the world.

21. Finally, the Department has served as the host agency for the secretariat of the Permanent Forum on Indigenous Issues, established by the Economic and Social Council in resolution 2000/22 with a broad mandate that spans culture, economic and social development, the environment, education, health and human rights. The Permanent Forum has focused much of its preliminary work on the mainstreaming of indigenous issues across the United Nations system and, in particular, is pursuing a broad coordinated, cross-system approach to human rights issues, as well as to promote the delivery of services through a rights-based approach. In pursuing its mandate, the Permanent Forum is required to provide expert advice and recommendations on indigenous issues to the Council and to the programmes, funds and agencies of the United Nations system, to raise awareness and coordinate

activities related to indigenous issues within the United Nations system, as well as to disseminate information on indigenous issues. The Permanent Forum meets for 10 days each year, and the annual sessions are a nodal point of catalytic actions and contacts at all levels regarding indigenous issues, with ripple effects across the international system throughout the year and beyond.

B. United Nations Conference on Trade and Development

22. While the United Nations Conference on Trade and Development (UNCTAD) has no specific programme dealing with human rights, the organization has recently assisted human rights bodies and promoted human rights in a number of ways. UNCTAD has assisted in the process of providing information to and reviewing reports of the High Commissioner for Human Rights on issues relating to globalization. UNCTAD has also assisted human rights bodies through the participation of its Secretary-General, Rubens Ricupero, in the high-level segment of the Working Group on the Right to Development on "International trade and the right to development", which took place on 10 and 11 February 2004.

23. UNCTAD has also promoted the conceptual development of the links between human rights and economic processes in the area of trade and gender. It is the lead agency in the inter-agency task force on trade and gender which in June 2004 published a book, *Trade and Gender: Opportunities and Challenges for Developing Countries*. Chapter 9, "The impact of WTO rules on the pursuit of gender equality", prepared by UNCTAD staff, considers the promotion of gender equality as a human right in the context of World Trade Organization law. OHCHR also contributed chapter 10, entitled "Human rights, gender and trade: a legal framework".

C. United Nations Development Programme

24. Since 1998, when the United Nations Development Programme (UNDP) published its policy statement on development and human rights, "Integrating human rights with sustainable human development", the promotion and protection of human rights has increasingly been integrated into different dimensions of its work. The fact that about 50 UNDP country offices reported activities in this field in 2000-2001 is a good indicator of this process.

25. The work of UNDP in this field falls broadly into four areas. First, UNDP supports national efforts to respect, protect and fulfil human rights. In this context, relevant activities include human rights awareness-raising and training, development of national human rights policy and programming frameworks, assistance in strengthening the human rights capacities of government departments, and establishing and strengthening national human rights institutions. Second, UNDP cooperates with the international human rights system, through interaction with the United Nations human rights treaty body system, participation in meetings of the Commission on Human Rights and its subsidiary organs and working groups, and in a growing number of cases at the national level advocating for the ratification of (or removal of reservations to) international human rights treaties and for their effective implementation.

26. Third, UNDP promotes the application of a human rights-based approach to development. Relevant activities in this regard include:

(a) The development and pilot testing of rights-based programming methodologies under the joint UNDP/OHCHR human rights strengthening programme;

(b) The expansion of networks of practitioners applying rights-based programming approaches in programme areas such as access to justice, poverty reduction and decentralized governance;

(c) The continuation of the "Human Rights Talk" (HuRiTALK) e-discussion network on human rights and development programming;

(d) The leadership of the Stamford Workshop and the promotion of a consistent United Nations system-wide approach to rights-based programming through training courses and strengthening human rights expertise within UNDP Sub-Regional Resource Facilities and the Oslo Governance Centre.

27. Fourth, UNDP has continued its role in policy development and practice guidance. A significant number of policy statements and practice notes have been completed since 2003 or are under way, both within and beyond HURIST, in such areas as poverty reduction and human rights, decentralized governance and human rights, land rights, minority rights, and guidelines for the review of UNDP country programmes from a human rights perspective.

D. United Nations Children's Fund

28. The mission statement of the United Nations Children's Fund (UNICEF), adopted in 1996, makes clear that the Convention on the Rights of the Child is the Fund's guiding frame of reference. The Convention on the Elimination of All Forms of Discrimination against Women and other human rights treaties also provide a legal foundation for the principles that guide its work. The Mission Statement further affirms that the organization "aims, through its country programmes of cooperation, to promote the equal rights of women and girls and to support their full participation in the political, social and economic development of their communities".

29. The human rights-based approach to programming, formally adopted in 1998, provides guidance on how human rights principles and, more specifically, the Convention on the Rights of the Child shall guide the conceptual and operational framework for the development of a UNICEF country programme of cooperation. This means that UNICEF cooperation at country, regional and global levels includes:

(a) Assisting Governments and civil society to continuously assess and analyse the situation of children and women in order to ensure that policies, national and subnational plans and budgets adequately reflect the necessary attention to children and women's rights;

(b) Ensuring that all children, in particular the most vulnerable, the marginalized, the excluded and the discriminated against, are taken into account;

(c) Strengthening, through technical, material and financial assistance, the capacities of Governments, civil society organizations and communities to discharge their duties in relation to children;

(d) Facilitating the exchange of experiences, intensifying dialogue with partners, assessing progress and extracting lessons learned;

(e) Promoting close partnership within the United Nations country teams to ensure that children and women's rights are taken into consideration in the common country assessment/United Nations Development Assistance Framework and in the poverty reduction strategy papers.

30. UNICEF is conceiving operational tools to enhance the development of the human rights-based approach to programming in its work in all areas of intervention. It is also updating its planning and programming guidance.

31. In promoting the realization of children's rights, UNICEF works closely with OHCHR, the human rights treaty bodies, in particular the Committee on the Rights of the Child, and the special procedures of the Commission. UNICEF country offices actively encourage Governments to submit their reports to the Committee and promote civil society and youth participation in the reporting process. Direct inputs by UNICEF to the work of the Committee make an important contribution in shaping its understanding of country situations and in formulating its concluding observations.

32. Finally, UNICEF is involved in the implementation of and follow-up to the Action 2 Plan.

E. United Nations Population Fund

33. The United Nations Population Fund (UNFPA) issued a policy statement on 16 January 2004 to provide its staff with a common framework for ensuring a human rights-based approach to programming. The framework promotes the integration of human rights in the Fund's work at headquarters and in the field. This initiative builds on the efforts of UNFPA, the United Nations human rights system, United Nations agencies, organizations and individuals working for equity and social justice.

34. UNFPA stresses the universality and indivisibility of human rights, their interdependence and interrelatedness, and makes the principles of non-discrimination and equality, participation, inclusion and accountability elements of its mission statement. UNFPA is committed to addressing issues of reproductive health, gender equality, women's empowerment, population and development in an effort to improve the quality of life of individuals and ensure sustainable human development. In line with the Programme of Action of the International Conference on Population and Development, special attention is given to a rights-based approach to population and development with a focus on realizing the rights of the individual.

35. UNFPA believes that the effective application of a human rights-based approach within a development process that is sensitive to both culture and gender will lead to increased social inclusion and contribute to the alleviation of poverty. A human rights-based approach task force was established as a follow-up to the 2002 review on the extent to which country offices and country support teams had integrated the human rights-based approach into their programming. In 2003/2004, major achievements have included the development of a conceptual framework on a human rights-based approach to programming and a guidance note on culturally

sensitive programming approaches. Together with work on the linkages between culture, gender and human rights, they lay the groundwork for implementing the new UNFPA intercountry programme, 2004-2007.

36. The overall objective of the intercountry programme is to strengthen policy dialogue, development frameworks and programming processes by addressing specific challenges in five key substantive areas: population, poverty and development linkages; improving the quality of reproductive health services; addressing the needs of adolescents and youth; preventing HIV infection; and addressing gender equity and equality and human rights in different cultural contexts. This objective will be broadly supported by advocacy activities aimed at promoting partnerships based on results obtained in each of the substantive areas and at promoting an enabling environment to achieve the goals of the international conference.

37. At the inter-agency level, UNFPA contributed to a statement on common understanding of the human rights-based approach to development cooperation and has been actively engaged in the development of the plan of action on strengthening human rights-related United Nations action at the country level with regard to national protection systems and country teams. UNFPA contributed several reports on women's rights, reproductive rights and gender equality to the Commission on Human Rights and the Subcommission on the Promotion and Protection of Human Rights. UNFPA continues to work closely with the relevant treaty bodies and special rapporteurs.

F. United Nations Environment Programme

38. UNEP works on human rights issues under the mandate provided by principle 10 of the 1992 Rio Declaration on Environment and Development, which focuses on access to information, public participation and access to justice in environmental matters, as a means of improving environmental democracy and sustainable development. UNEP organized in 2002, jointly with OHCHR, an expert seminar to review and assess progress achieved since the United Nations Conference on Environment and Development in promoting and protecting human rights in relation to environmental questions and in the framework of Agenda 21. In February 2003, the Governing Council of UNEP/Global Ministerial Environment Forum adopted decision GC.22/17.II.B, requesting UNEP to intensify efforts in the provision of policy and advisory services in key areas of capacity and institution-building in the application of principle 10 of the Rio Declaration at the local and national levels. In implementing that decision, UNEP seeks to work both at the national and at the regional or global levels. At the national level, UNEP seeks to build the capacity of developing countries to implement principle 10 (which promotes a rights-based approach to environmental issues) through enhancement of laws, regulations, institutions and practices that will improve transparency, participatory decision-making and accountability in environmental matters. At the regional and global levels, UNEP seeks to facilitate a dialogue in developing countries on how best to further implement principle 10, including through the exchange of experiences among nations and by assessing the feasibility of developing global guidelines on principle 10.

G. United Nations Human Settlements Programme (UN-Habitat)

39. The United Nations Human Settlements Programme (UN-Habitat) undertakes activities to promote and protect human rights, aiming to support the efforts of Governments at all levels, the civil society and national human rights institutions towards creating more inclusive cities and the full and progressive realization of the right to adequate housing as a component of the right to an adequate standard of living, as provided for in international human rights instruments and reaffirmed in the Habitat Agenda. These activities are initiated mainly through the two Global Campaigns, on Urban Governance and on Secure Tenure. The OHCHR/UN-Habitat United Nations Housing Rights Programme established in April 2002 is a joint effort of the two agencies under the Global Campaign for Secure Tenure to address normative and operational issues contributing to the implementation of one of the two principal goals of the Habitat Agenda: adequate shelter for all.

40. UN-Habitat integrates human rights in its work by undertaking activities (within and outside the joint programme) that aim to mobilize the potential and capacity of the stakeholders within the housing rights field at regional, national and local levels. It does so by seeking to: promote awareness of housing rights; facilitate exchange of experience, information and learning among partners; support United Nations treaty bodies and the Special Rapporteur of the Commission on Human Rights in monitoring implementation of the right to adequate housing; assist States to develop indicators, benchmarks and assessment tools for monitoring housing rights; promote development of relevant norms, standards and guidelines; promote awareness of gender dimensions of the right to adequate housing; support development of research capacities of national and regional institutions on housing rights; strengthen national human rights institutions and housing organizations with a focus on housing rights; protect and promote housing rights in emergency and post-conflict situations; and develop strategies and medium-term plans for capacity-building and technical cooperation in the area of housing rights.

H. Joint United Nations Programme on HIV/AIDS (UNAIDS)

41. The Joint United Nations Programme on HIV/AIDS (UNAIDS) has since its inception in 1996 adopted a rights-based approach in its policies, programmes and activities. This approach is also in line with the Declaration of Commitment on HIV/AIDS adopted by the General Assembly in 2001. Towards this end, a Global Reference Group on HIV/AIDS and Human Rights was established in 2002 to serve as an independent advisory body to UNAIDS on the human rights aspects of the HIV pandemic.

42. UNAIDS deals with human rights as a cross-cutting issue in a number of ways, including: standard-setting; working with the United Nations human rights mechanisms; research, training and advocacy on HIV/AIDS-related human rights issues; strengthening networks on HIV/AIDS and human rights; engaging with legislators and other key actors on human right issues; technical assistance in policy development and legislative reform; and production of best practice publications. Activities relating to human rights are coordinated by the Law and Human Rights Unit in the Social Mobilization and Information Department of the secretariat.

43. In the area of standard-setting, UNAIDS and OHCHR (in collaboration with other partners) have developed the International Guidelines on HIV/AIDS and Human Rights, which provide guidance to Member States in meeting their human rights obligations in the area of HIV/AIDS. UNAIDS provides technical input to the work of the Commission on Human Rights, as well as the mainstreaming of HIV/AIDS issues into the work of the human rights treaty monitoring bodies and other mechanisms to strengthen understanding, monitoring and enforcement of HIV/AIDS-related rights. In 2003 the Committee on the Rights of the Child adopted general comment No. 3 (2003) on "HIV/AIDS and the rights of the child", with technical and financial support from UNAIDS. In 2003, UNAIDS and OHCHR held a discussion on HIV/AIDS and human rights with the special procedures mandate-holders of the Commission with the aim of developing a strategic approach for the integration of HIV/AIDS-related issues into the work of the various special rapporteurs, independent experts and representatives of the Secretary-General.

44. UNAIDS, in collaboration with other partners and people living with HIV/AIDS, has conducted research in Uganda, India, Ghana, Mauritania, Côte d'Ivoire, Cameroon and Gabon to better understand the relationship between HIV/AIDS and human rights, especially HIV/AIDS-related stigma, discrimination and human rights violations. Current work includes a compilation of case studies of successful interventions to counter stigma and discrimination.

45. UNAIDS works with legislators and parliamentarians in all regions to strengthen their roles in the HIV/AIDS response and advance supportive HIV/AIDS-related policies and legislation, including publication of a Handbook for Legislators on HIV/AIDS, Law and Human Rights in 1999, in collaboration with the Inter-Parliamentary Union, and of "What parliamentarians can do about HIV/AIDS — Action for children and young people" in 2003 in collaboration with UNICEF, European Parliamentarians for Africa and the Parliamentary Network on the World Bank.

46. Technical assistance in policy and legislative reform has been provided to a number of Governments, including Malawi, Cambodia, the Philippines, Ghana and India. UNAIDS organizes training on HIV/AIDS and human rights for government officials and policy makers, NGOs, lawyers, people living with HIV/AIDS, young people and national human rights institutions. It also coordinates funding of HIV and related human rights projects undertaken at the national level.

I. The Global Compact Office

47. The Global Compact Office, located within the Executive Office of the Secretary-General, is working with OHCHR to promote the implementation of human rights principles by companies and other non-State actors. The Global Compact, the Secretary-General's voluntary corporate citizenship initiative in the areas of human rights, labour and the environment, includes more than 1,500 participants from companies, NGOs, labour, academia and Government in more than 70 countries.

48. In cooperation with OHCHR, the Global Compact Office is currently working on a number of human rights-related projects:

(a) At the Third Annual International Global Compact Learning Forum conference held in Brazil in December 2003, business and human rights was one of

the main topics. In addition to a plenary session, there were five groups devoted to business and human rights issues. A senior official from OHCHR participated in the conference and moderated a number of sessions. Building on the human rights materials presented at the conference, the Global Compact Office is now producing a publication on the Global Compact and human rights that will be published later in 2004. The publication will include four detailed case studies illustrating the experiences of HPB Billiton, British Petroleum, Hewlett Packard and Novo Nordisk in implementing the Global Compact's principles;

(b) In June 2004, the Global Compact launched a source book, "Raising the Bar", to assist companies in implementing the Global Compact principles, including the two human rights principles. The source book is the result of collaboration between the Global Compact Office and partner intergovernmental organizations and civil society;

(c) The Global Compact has entered into partnership with the Danish Institute for Human Rights — an independent national human rights institution — to assist in the advancement of United Nations human rights standards and principles and to help participating companies understand and implement the Global Compact's human rights principles;

(d) Finally, the Global Compact is examining with the International Finance Corporation and other organizations the idea of a joint human rights project on developing and articulating the business case for addressing human rights issues.

J. International Labour Organization

49. Internationally recognized human rights are pivotal to the work of the International Labour Organization (ILO) and are integrated into every facet of it. ILO has adopted a comprehensive set of standards on all aspects of the world of work, comprising both fundamental human rights instruments (on freedom of association and collective bargaining, and the elimination of forced labour, child labour and discrimination) and other standards on more technical questions that nevertheless represent important human rights principles. The conventions have now received over 7,200 ratifications, and form the basis for policy in virtually all countries.

50. A ratification campaign for the eight fundamental ILO conventions, launched in 1995 following the World Summit for Social Development, has resulted in over 450 new ratifications of these instruments. As of June 2004, 103 of the 177 States members of ILO have ratified all eight, and 30 more have ratified seven.

51. In addition, ILO has a well-developed supervisory system for these standards, analysing some 2,000 government reports each year. This system, which has functioned in approximately its current form since 1927, combines technical analysis and discussion in the annual International Labour Conference. There are various complaints systems to supplement the regular supervisory capacity, as well as promotional approaches — especially under the Declaration of Fundamental Principles and Rights at Work — to supplement supervision.

52. These standards form the basis of ILO technical assistance and policy work. Over the last several years, more than 50 per cent of the resources spent by ILO technical cooperation programmes have been for assistance concerning human rights

questions. In addition to a number of smaller programmes, this includes the International Programme for the Elimination of Child Labour (IPEC), which has established technical cooperation in over 60 countries, and the action programmes under the Declaration.

53. ILO also continues to work closely and actively with the United Nations human rights system on issues related to the ILO mandate such as the human rights of migrant workers, indigenous and tribal peoples' rights, the human rights of women and economic, social and cultural rights generally. In particular, ILO participates actively in human rights treaty body sessions and regularly submits information to and engages in dialogue with them. The supervisory bodies of ILO also regularly refer to general comments and concluding observations of treaty bodies in their work, while the treaty bodies in turn rely heavily on ILO supervisory work.

54. Gender is a cross-cutting theme in all aspects of ILO work, from its own human resources policy to the advice and assistance it gives to its tripartite constituents.

55. Finally, ILO has been examining the effects of globalization, particularly on the poorest and most excluded of workers. The 92nd session of the International Labour Conference (June 2004) examined the report of the World Commission on the Social Dimension of Globalization and the new ILO follow-up report entitled "A fair globalization — the role of the ILO", and discussed how decent work for all could emerge from the process of globalization. This includes respect for the human rights of all in this process.

K. Food and Agriculture Organization of the United Nations

56. Since 1996, FAO has introduced programmes to operationalize the right to food. The World Food Summit in 1996 reaffirmed the right to adequate food and everybody's fundamental right to be free from hunger. Following the Summit, the Director-General of FAO signed a memorandum of understanding with the High Commissioner for Human Rights on cooperation and follow-up, in particular:

(a) Assisting OHCHR in implementing objective 7.4 of the Plan of Action to clarify the normative content of the right to food;

(b) Increasing its efforts to provide information on the right to adequate food to the general public and to professionals, through, among other efforts, the publication of a book entitled *The Right to Food in Theory and Practice* and the publication in the FAO Legislative Studies Series of "Extracts from international and regional instruments and declarations and other authoritative texts addressing the right to food (No. 68, 1999)"; "Gender and law — women's rights in agriculture (No. 76, 2002)"; and "The right to adequate food in emergencies (No. 77, 2003)".

57. At the World Food Summit: five years later in 2002, heads of State and Government invited the FAO Council to establish an intergovernmental working group to elaborate, in a period of two years, a set of voluntary guidelines to support States' efforts to achieve the progressive realization of the right to adequate food in the context of national food security. The working group has held two sessions and one intersessional meeting since March 2003. It has had before it information papers prepared by the FAO secretariat on the following issues: targeting and reaching

disadvantaged and vulnerable groups; social safety nets and the right to food; recognition of the right to food at the national level; monitoring of the right to food; the international trading system and the right to adequate food; justiciability of the right to food; and food sovereignty. Country case studies have been conducted in Brazil, India, South Africa, Uganda and Canada.

58. Since its first session, the Bureau of the working group has produced draft voluntary guidelines as a basis for discussions. The working group will report to the FAO Committee on World Food Security by September 2004.

59. FAO identifies the finalization and adoption of voluntary guidelines as its most significant future challenge. FAO is also considering options to assist member States that wish to implement the voluntary guidelines. FAO will also carry out further work throughout its several departments to seek ways to mainstream more effectively the right to adequate food in its work. For example, FAO has collaborated with research projects and Governments to set up national seminars on the right to food in South Africa, Uganda, Mali and Sierra Leone.

60. FAO cooperates closely with the Special Rapporteur on the right to food and the Committee on Economic, Social and Cultural Rights. It reported to the latter on progress made in implementing the Covenant and participated in the drafting of the Committee's general comment No. 12 on the right to adequate food.

L. United Nations Educational, Scientific and Cultural Organization

61. The United Nations Educational, Scientific and Cultural Organization (UNESCO) human rights mandate was established by article 1 of its Constitution. UNESCO has special responsibility with regard to the right to education, the right to participate in cultural life, the right to freedom of opinion and expression, including the right to seek, receive and impart information, and the right to enjoy the benefits of scientific progress and its applications. It is also working for the advancement of all human rights by means of education and research. In all its human rights activities, UNESCO pays special attention to the need to ensure equal opportunities for all and due integration of a gender perspective in all its activities.

62. UNESCO has played a leading role in the implementation of the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004, mainly through the promotion of national plans of action for human rights education, the implementation of national and subregional projects for the revision of curricula and textbooks, and the training of teachers and other educational personnel. UNESCO has also assisted OHCHR in the mid-term evaluation of the Decade. It has published many information and education materials on human rights, for example a three-volume manual on human rights for universities, revised and updated editions of *A Guide to Human Rights and Human Rights: Questions and Answers*, and guidelines for a rights-based approach to education. UNESCO, jointly with OHCHR, will elaborate the plan of action targeting the primary and secondary school systems for the first phase of the world programme for human rights education that the Commission on Human Rights, in its resolution 2004/71, recommended be launched in 2005.

63. In implementing its human rights activities, UNESCO is strengthening partnerships within the United Nations system and with other partners. The

memorandum of understanding between UNESCO and OHCHR, signed in February 2003, is a solid basis for developing further cooperation on human rights matters. UNESCO has also strengthened its collaboration with the Committee on Economic, Social and Cultural Rights through the establishment in 2001 of the Joint Expert Group between the Committee and the UNESCO Committee on Conventions and Recommendations on monitoring the right to education. The Group held its first and second meetings in May 2003 and May 2004 to explore ways and means of enhancing cooperation and a third meeting is scheduled for November 2004.

64. Strengthening partnerships as well as knowledge sharing were the underlying ideas of the World Forum on Human Rights, organized by the City of Nantes, France, from 16 to 19 May this year, at the initiative and with the support of UNESCO and in partnership with the French National Commission for UNESCO, OHCHR and ILO. The Forum brought together all actors involved in the advancement of human rights: States, intergovernmental and non-governmental organizations, the scientific community, media and business. The main themes discussed at the Forum were: human rights and terrorism; globalization and the struggle against all forms of discrimination and exclusion; and poverty as a violation of human rights.

65. Activities undertaken by UNESCO in the field of human rights include the protection of cultural diversity, the eradication of poverty, the promotion of access to fresh water, the improvement of access to education for all, including raising the quality of education, etc. At the last session of the UNESCO General Conference in October 2003, the member States adopted the International Declaration on Human Genetic Data, which aims to ensure that such data are not used for purposes that discriminate or that infringe human rights and fundamental freedoms. At the same session, the member States reaffirmed the mandate of the organization in the field of human rights by adopting two strategies: the Strategy on Human Rights and the Integrated Strategy to Combat Racism, Discrimination, Xenophobia and Related Intolerance.

66. The first responds to the specific recommendations addressed to UNESCO by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The main lines of action include the Slave Route Project and research on slavery and the slave trade; development of cultural and educational programmes to counter racism and discrimination; preparation of teaching materials; and promotion of dialogue among civilizations.

67. The main lines of action of the second are human rights education, human rights research and standard-setting and monitoring. A central aim is the mainstreaming of human rights into all the programmes of the organization. A plan to integrate a human rights-based approach into the planning, implementation and evaluation of all UNESCO activities, mainly through the training of staff, is currently being prepared.

M. World Health Organization

68. The World Health Organization (WHO) has designated health and human rights as a cross-cutting activity. The organization recognizes human rights as an important means for supporting its work, in particular by enhancing government accountability in relation to health, especially for the most vulnerable and

marginalized population groups. The WHO Constitution enshrines health as a fundamental human right, and its member States have committed themselves to various human rights obligations relevant to health. WHO recognizes that its public health guidance to member States must, therefore, strive to promote and reinforce human rights.

69. WHO is working to enhance its role in providing technical, intellectual and political leadership in health and human rights. The main objectives of its human rights activities are to support Governments to integrate a human rights-based approach in health development through development of tools, training and projects; strengthen the WHO capacity to integrate a human rights-based approach in its work through policy development, research and training; and advance the right to health in international law and international development processes through advocacy, input to United Nations mechanisms and development of indicators.

70. Within WHO, the Health and Human Rights Team in the Department of Ethics, Trade, Human Rights and Health Law plays the role of catalyst, coordinator and facilitator of WHO technical work areas, ensuring consistent and coherent approaches to health and human rights across the organization. Human rights focal points are also located in all WHO regional offices, as well as in the various clusters at WHO headquarters.

71. Current WHO activities include the development of a health and human rights strategy, to serve as a policy platform for WHO work in this area. The strategy will be developed through a series of national and regional consultations in 2004/2005 and will be presented to WHO governing bodies in 2006. WHO is also working to streamline and coordinate its input to the United Nations human rights mechanisms. The organization is also working to develop practical tools to address key human rights issues relevant to its own health programmes by addressing laws, policies and practices and ensuring their conformity with human rights law as enshrined at the international, regional and national levels.

IV. Conclusions and recommendations

72. **This brief outline of actions indicates that there appear to have been overall increases in human rights-supported programming by United Nations bodies, programmes and specialized agencies since 1999. However, it would be too simplistic to conclude that human rights have been integrated throughout the system, or indeed to assume that all organizations have done so to the same extent. Each organization seems to have used a different approach. However, on examination, a double-track approach becomes apparent. While organizations are increasingly seeking to contribute to the promotion and protection of human rights through their work, they are also increasingly perceiving human rights as a useful tool to implement their core mandates in an effective and sustainable manner.**

73. **It is important to underline that integrating human rights throughout a particular organization means more than having a unit or section that deals with human rights — it means that an organization adopts human rights as a conceptual and methodological framework for its work. Thus, organizations that have adopted human rights treaties as the normative basis for their work have applied a rights-based approach most extensively to their programming.**

On the other hand, organizations that are examining a particular right or human rights in a particular context (for example, as a result of a mandate received from a governing body) have tended to allocate resources to particular human rights programmes which, although indicating a growing concentration of efforts within the organization on human rights work, does not immediately equate with the adoption of a rights-based approach to the programming and work of the rest of the organization.

74. Integrating human rights throughout the United Nations system, with the ultimate objective of assisting Member States, at their request, in developing their national systems for the promotion and protection of human rights, is a process that requires support from the Council. Article 62 of the Charter provides that the Council may make recommendations for the purpose of promoting respect for, and observance of human rights and fundamental freedoms for all. Article 22 of the International Covenant on Economic, Social and Cultural Rights provides that the Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports submitted under the Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the Covenant. The Council may wish to facilitate the integration of human rights throughout the United Nations system by reaffirming that human rights law provides an important framework for the technical cooperation work of the Organization.

75. In this context, the Council may wish to review periodically the progress achieved in integrating human rights as an essential part of the work of United Nations bodies and programmes. Such a review could indicate areas requiring particular attention and serve as a means of mobilizing support for addressing these areas in a coordinated manner. Progress achieved in providing assistance to Member States in developing national systems for the promotion and protection of human rights could be examined within this review.